IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33692 of 2008

1.Anil Kumar Mahto
2.Prem Kumar Mahto @ Prem Kumar @ Putoo
3.Ranjit Kumar Mahto
All sons of Late Chamak Lal Mahto,
All resident of village- Dhrubganj,
P.S. Kharik, District- Bhagalpur ……Petitioners

Versus

The State of Bihar ……... Opp.Party

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3. 01/10/2008 Heard learned counsel for the petitioners and learned counsel for the State.

Case is under sections 302, 201, 120(B)/34 of the Indian Penal Code. This case has been instituted on the fardbeyan of wife of the deceased alleging that these petitioners, who happened to be own brothers of the deceased, poisoned the deceased on account of dispute with regard to salary which he was drawing after his appointment on compassionate ground.

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From the order of the learned Sessions Judge, it appears that evidence has come during the course of investigation that the deceased himself had taken poison.

Case diary was called for and after perusing the same, learned counsel for the State submits that from the evidence collected during the course of investigation it

transpires that the deceased had himself taken poison. Learned Sessions Judge has also opined that the case may come under purview of section 306 of the Indian Penal Code and not under section 302 of the Indian Penal Code.

In the circumstances, this application is allowed. Let all the three petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., Naugachia in Naugachia (Kharik) P.S.Case No.24 of 2008.

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Pradeep/ **(J. N. Singh,J.)**